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**FILED**  
 Exempt from fees per Gov't code 6103

To the benefit of the City of San Diego

2008 AUG 14 PM 4:08

CLERK US DISTRICT COURT  
 SOUTHERN DISTRICT OF CALIFORNIA

BY *[Signature]* DEPUTY

7 Attorneys for Defendants  
 8 City of San Diego, Police Chief William Lansdown; and Officer M. Czas

9

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

10 OCIE HENDERSON, the Administrator of the ) Case No. **'08 CV 1491 SES/JMA**  
 Estate of RAMEL HENDERSON )  
 11 Plaintiffs, ) NOTICE OF REMOVAL OF CIVIL  
 12 v. ) ACTION  
 13 CITY OF SAN DIEGO; POLICE CHIEF ) [28 U.S.C. § 1446]  
 14 WILLIAM LANSDOWN; POLICE OFFICER ) (San Diego Superior Court Case No.  
 15 M. CZAS and DOES 1 through 50, inclusive, ) 37-2008-00086047-CU-PO-CTL)  
 16 all individually and in their official capacities, as )  
 agents or employees, of the CITY OF SAN )  
 DIEGO, )  
 17 Defendants. )  
 18 \_\_\_\_\_)

19 TO: PLAINTIFF AND HER ATTORNEY OF RECORD:

20 PLEASE TAKE NOTICE that Defendants, City of San Diego, Police Chief William  
 21 Lansdown, and Police Officer M. Czas, in the above-entitled action, have removed the action to  
 22 the United States District Court for the Southern District of California.

23 **STATEMENT OF GROUNDS FOR REMOVAL**

24 Plaintiff alleges that police officers used excessive force on Ramel Henderson in  
 25 violation of his rights under state and federal law resulting in his death.

26 The First Cause of Action in the Complaint alleges, ". . . as a direct and proximate result  
 27 of the aforementioned unlawful and malicious physical abuse of DECEDENT by Defendant  
 28 CZAS and Defendants DOES 1 through 50, committed under color of law and under each

1 individual's authority as Police Officer with the CITY OF SAN DIEGO'S Police Department,  
2 Ramel Henderson suffered grievous bodily harm and was deprived of his right to be secure in his  
3 person, against unreasonable seizure of his person and the use of excessive force, in violation of  
4 the Fourth and Fourteenth Amendments of the Constitution of the United States and 42 U.S.C.  
5 §1983...."

6       The Second Cause of Action alleges, "...[a]cting under color of law, by and through the  
7 policy-makers and pursuant to official policy or custom and practice, the CITY OF SAN DIEGO  
8 intentionally, knowingly, recklessly, or with deliberate indifference to the rights of the Citizens  
9 of San Diego and specifically DECEDENT, Ramel Henderson failed to instruct, supervise,  
10 control, and/or discipline, on a continuing basis, their respective employees, in the performance  
11 of their duties . . ."

12       The Third Cause of Action alleges, "...[t]he actions of Defendant CZAS and Defendants  
13 DOES 1 through 50 in causing the death of Ramel Henderson were wrongful, in that said  
14 Defendants used excessive force and/or deadly force against Mr. Henderson at a time when he  
15 did not present any threat of death or great bodily injury to the police officers or the public,  
16 Based on the above, the use of deadly force against him was unjustified and unreasonable under  
17 the circumstances. As a proximate result of these acts, Defendant CZAS and Defendants DOES 1  
18 through 50, caused Ramel Henderson to be fatally injured, and thereby resulting in the his death  
19 while in custody..."

20       The Fourth Cause of Action alleges, "... The aforescribed acts and omissions of  
21 defendants were done maliciously, knowingly and willfully and in callous and reckless disregard  
22 of DECEDENT's and Plaintiff's constitutional rights . . ."

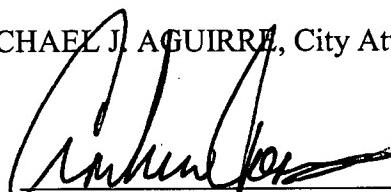
23       This Court has original jurisdiction of the action pursuant to the provisions of 28 U.S.C.  
24 section 1331, and the action may therefore be removed to this Court by Defendants City of San  
25 Diego, Police Chief William Lansdown, and Police Officer M. Czas, pursuant to the provisions  
26 of 28 U.S.C. sections 1441(b) and (c).

27       Copies of all process and pleadings served on Defendant City of San Diego in the above-  
28 entitled action are attached hereto as Exhibit A. The Complaint was served on the City of San

1 Diego on July 18, 2008, and as such, this Notice of Removal is filed with this Court within thirty  
2 days after Defendant City of San Diego was served with the Complaint filed in San Diego  
3 Superior Court.

4 Dated: August 14, 2008

MICHAEL J. AGUIRRE, City Attorney

5  
6 By   
7 Andrew Jones  
8 Deputy City Attorney

9  
10 Attorneys for Defendant  
11 City of San Diego, Police Chief William  
12 Lansdown; and Officer M. Czas  
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1  
2                   **UNITED STATES DISTRICT COURT**  
3                   **SOUTHERN DISTRICT OF CALIFORNIA**

4                   OCIE HENDERSON, the Administrator of the  
5                   Estate of RAMEL HENDERSON

Case No.:  
(SDSC Case No. 37-2008-86047-CU-PO-CTL)

6                   Plaintiffs,

7                   **DECLARATION OF SERVICE**

8                   v.

9                   CITY OF SAN DIEGO; POLICE CHIEF  
10                  WILLIAM LANSDOWN; POLICE OFFICER  
11                  M. CZAS and DOES 1 through 50, inclusive,  
12                  all individually and in their official capacities,  
13                  as agents or employees, of the CITY OF SAN  
14                  DIEGO,

15                  Defendants.

16                  I, the undersigned, declare under penalty of perjury that I am over the age of eighteen years and  
17                  not a party to this action; and that I served the individuals on the service list attached hereto the  
18                  following documents: **CIVIL CASE COVER SHEET; NOTICE OF REMOVAL OF CIVIL**  
19                  **ACTION**, in the following manner:

20                  1)       By personally serving the individual named by personally delivering the copies to  
21                  the offices of the addressee.

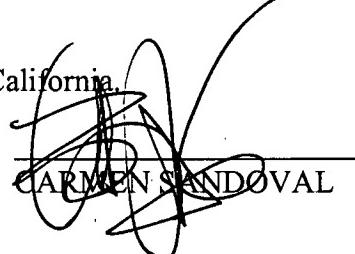
22                  Time of delivery: \_\_\_\_\_ a.m./p.m.

23                  2)       By leaving, during usual office hours, copies in the office of the person served  
24                  with the person who apparently was in charge and thereafter mailing copies (first  
25                  class mail, postage prepaid) to the person served at the place where the copies  
26                  were left.

27                  3) XX By placing a copy in a sealed envelope and placing it for collection and mailing  
28                  with the United States Postal Service this same day, at my address shown above,  
                        following ordinary business practices.

Ronnivashhti Whitehead  
Willoughby & Associates  
200 Corporate Pointe Ste 495  
Culver City, CA 90230  
Tel: (310) 642-0600  
Fax: (310) 642-4710  
*Attorney for Plaintiff*

29                  Executed: August 14, 2008, at San Diego, California.

  
CARMEN SANDOVAL



# **EXHIBIT A**

## NOTICE TO DEFENDANT:

(AVISO AL DEMANDADO):

CITY OF SAN DIEGO; POLICE CHIEF WILLIAM LANSDOWN; POLICE OFFICER M. CZAS, and DOES 1 through 50, inclusive, all individually and in their official capacities, as agents or employees, of the CITY OF SAN DIEGO,

COPY

RECEIVED  
CITY CLERK'S OFFICE

03 JUL 18 AM 11:40

SAN DIEGO, CALIF.

YOU ARE BEING SUED BY PLAINTIFF:  
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

OCIE HENDERSON, the Administrator of the Estate of RAMEL HENDERSON

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.courtinfo.ca.gov/selfhelp/espanol](http://www.courtinfo.ca.gov/selfhelp/espanol)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.courtinfo.ca.gov/selfhelp/espanol](http://www.courtinfo.ca.gov/selfhelp/espanol)) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

(El nombre y dirección de la corte es):

Hall of Justice  
330 West BroadwayCASE NUMBER:  
(Número del Caso) 37-2008-00086047-CU-PO-CTISan Diego, CA 92101  
Central

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Ronnivashti Whitehead  
Willoughby & Associates  
200 Corporate Pointe Suite 495  
Culver City, CA

310-642-0600 310-642-4710

DATE: JUN 18 2008

Clerk, by \_\_\_\_\_, Deputy  
(Secretario) (Adjunto)

D. SMITH

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

- as an individual defendant.
- as the person sued under the fictitious name of (specify):
- on behalf of (specify): City of San Diego

under:	<input checked="" type="checkbox"/> CCP 416.10 (corporation)	CCP 416.60 (minor)
	CCP 416.20 (defunct corporation)	CCP 416.70 (conservatee)
	CCP 416.40 (association or partnership)	CCP 416.90 (authorized person)
	other (specify):	

4. by personal delivery on (date):

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b>	
STREET ADDRESS:	330 West Broadway
MAILING ADDRESS:	330 West Broadway
CITY AND ZIP CODE:	San Diego, CA 92101
BRANCH NAME:	Central
TELEPHONE NUMBER:	(619) 450-7060
PLAINTIFF(S) / PETITIONER(S): Ocic Henderson Administrator of the Estate of Ramel Henderson	
DEFENDANT(S) / RESPONDENT(S): City of San Diego et.al.	
OCIE HENDERSON ADMINISTRATOR OF THE ESTATE OF RAMEL HENDERSON VS. CITY OF SAN DIEGO	
<b>NOTICE OF CASE ASSIGNMENT</b>	<b>CASE NUMBER:</b> 37-2008-00086047-CU-PO-CTL

Judge: Yuri Hofmann

Department: C-60

**COMPLAINT/PETITION FILED:** 06/18/2008

**CASES ASSIGNED TO THE PROBATE DIVISION ARE NOT REQUIRED TO COMPLY WITH THE CIVIL REQUIREMENTS LISTED BELOW**

---

IT IS THE DUTY OF EACH PLAINTIFF (AND CROSS-COMPLAINANT) TO SERVE A COPY OF THIS NOTICE WITH THE COMPLAINT (AND CROSS-COMPLAINT).

ALL COUNSEL WILL BE EXPECTED TO BE FAMILIAR WITH SUPERIOR COURT RULES WHICH HAVE BEEN PUBLISHED AS DIVISION II, AND WILL BE STRICTLY ENFORCED.

**TIME STANDARDS:** The following timeframes apply to general civil cases and must be adhered to unless you have requested and been granted an extension of time. General civil consists of all cases except: Small claims appeals, petitions, and unlawful detainers.

**COMPLAINTS:** Complaints must be served on all named defendants, and a CERTIFICATE OF SERVICE (SDSC CIV-345) filed within 60 days of filing. This is a mandatory document and may not be substituted by the filing of any other document.

**DEFENDANT'S APPEARANCE:** Defendant must generally appear within 30 days of service of the complaint. (Plaintiff may stipulate to no more than a 15 day extension which must be in writing and filed with the Court.)

**DEFAULT:** If the defendant has not generally appeared and no extension has been granted, the plaintiff must request default within 45 days of the filing of the Certificate of Service.

THE COURT ENCOURAGES YOU TO CONSIDER UTILIZING VARIOUS ALTERNATIVES TO LITIGATION, INCLUDING MEDIATION AND ARBITRATION, PRIOR TO THE CASE MANAGEMENT CONFERENCE. MEDIATION SERVICES ARE AVAILABLE UNDER THE DISPUTE RESOLUTION PROGRAMS ACT AND OTHER PROVIDERS. SEE ADR INFORMATION PACKET AND STIPULATION.

YOU MAY ALSO BE ORDERED TO PARTICIPATE IN ARBITRATION PURSUANT TO CCP 1141.10 AT THE CASE MANAGEMENT CONFERENCE. THE FEE FOR THESE SERVICES WILL BE PAID BY THE COURT IF ALL PARTIES HAVE APPEARED IN THE CASE AND THE COURT ORDERS THE CASE TO ARBITRATION PURSUANT TO CCP 1141.10. THE CASE MANAGEMENT CONFERENCE WILL BE CANCELLED IF YOU FILE FORM SDSC CIV-359 PRIOR TO THAT HEARING

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO**

CASE NUMBER: 37-2008-00086047-CU-PO-CTL

CASE TITLE: Ocie Henderson Administrator of the Estate of Ramel Her

**NOTICE TO LITIGANTS/ADR INFORMATION PACKAGE**

You are required to serve a copy of this Notice to Litigants/ADR Information Package and a copy of the blank Stipulation to Alternative Dispute Resolution Process (received from the Civil Business Office at the time of filing) with a copy of the Summons and Complaint on all defendants in accordance with San Diego Superior Court Rule 2.1.5, Division II and CRC Rule 201.9.

**ADR POLICY**

It is the policy of the San Diego Superior Court to strongly support the use of Alternative Dispute Resolution ("ADR") in all general civil cases. The court has long recognized the value of early case management intervention and the use of alternative dispute resolution options for amenable and eligible cases. The use of ADR will be discussed at all Case Management Conferences. It is the court's expectation that litigants will utilize some form of ADR – i.e. the court's mediation or arbitration programs or other available private ADR options as a mechanism for case settlement before trial.

**ADR OPTIONS**

**1) CIVIL MEDIATION PROGRAM:** The San Diego Superior Court Civil Mediation Program is designed to assist parties with the early resolution of their dispute. All general civil independent calendar cases, including construction defect, complex and eminent domain cases are eligible to participant in the program. Limited civil collection cases are not eligible at this time. San Diego Superior Court Local Rule 2.31, Division II addresses this program specifically. Mediation is a non-binding process in which a trained mediator 1) facilitates communication between disputants, and 2) assists parties in reaching a mutually acceptable resolution of all or part of their dispute. In this process, the mediator carefully explores not only the relevant evidence and law, but also the parties' underlying interests, needs and priorities. The mediator is not the decision-maker and will not resolve the dispute – the parties do. Mediation is a flexible, informal and confidential process that is less stressful than a formalized trial. It can also save time and money, allow for greater client participation and allow for more flexibility in creating a resolution.

**Assignment to Mediation, Cost and Timelines:** Parties may stipulate to mediation at any time up to the CMC or may stipulate to mediation at the CMC. Mediator fees and expenses are split equally by the parties, unless otherwise agreed. Mediators on the court's approved panel have agreed to the court's payment schedule for county-referred mediation: \$150.00 per hour for each of the first two hours and their individual rate per hour thereafter. Parties may select any mediator, however, the court maintains a panel of court-approved mediators who have satisfied panel requirements and who must adhere to ethical standards. All court-approved mediator fees and other policies are listed in the Mediator Directory at each court location to assist parties with selection. **Discovery:** Parties do not need to conduct full discovery in the case before mediation is considered, utilized or referred. **Attendance at Mediation:** Trial counsel, parties and all persons with full authority to settle the case must personally attend the mediation, unless excused by the court for good cause.

**2) JUDICIAL ARBITRATION:** Judicial Arbitration is a binding or non-binding process where an arbitrator applies the law to the facts of the case and issues an award. The goal of judicial arbitration is to provide parties with an adjudication that is earlier, faster, less formal and less expensive than trial. The arbitrator's award may either become the judgment in the case if all parties accept or if no trial de novo is requested within the required time. Either party may reject the award and request a trial de novo before the assigned judge if the arbitration was non-binding. If a trial de novo is requested, the trial will usually be scheduled within a year of the filing date.

**Assignment to Arbitration, Cost and Timelines:** Parties may stipulate to binding or non-binding judicial arbitration or the judge may order the matter to arbitration at the case management conference, held approximately 150 days after filing, if a case is valued at under \$50,000 and is "at issue". The court maintains a panel of approved judicial arbitrators who have practiced law for a minimum of five years and who have a certain amount of trial and/or arbitration experience. In addition, if parties select an arbitrator from the court's panel, the court will pay the arbitrator's fees. Superior Court

**3) SETTLEMENT CONFERENCES:** The goal of a settlement conference is to assist the parties in their efforts to negotiate a settlement of all or part of the dispute. Parties may, at any time, request a settlement conference before the judge assigned to their case; request another assigned judge or a pro tem to act as settlement officer; or may privately utilize the services of a retired judge. The court may also order a case to a mandatory settlement conference prior to trial before the court's assigned Settlement Conference judge.

**4) OTHER VOLUNTARY ADR:** Parties may voluntarily stipulate to private ADR options outside the court system including private binding arbitration, private early neutral evaluation or private judging at any time by completing the "Stipulation to Alternative Dispute Resolution Process" which is included in this ADR package. Parties may also utilize mediation services offered by programs that are partially funded by the county's Dispute Resolution Programs Act. These services are available at no cost or on a sliding scale based on need. For a list of approved DRPA providers, please contact the County's DRPA program office at (619) 238-2400.

**ADDITIONAL ADR INFORMATION:** For more information about the Civil Mediation Program, please contact the Civil Mediation Department at (619) 515-8908. For more information about the Judicial Arbitration Program, please contact the Arbitration Office at (619) 531-3818. For more information about Settlement Conferences, please contact the Independent Calendar department to which your case is assigned. Please note that staff can only discuss ADR options and cannot give legal advice.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO		FOR COURT USE ONLY
STREET ADDRESS: 330 West Broadway		
MAILING ADDRESS: 330 West Broadway		
CITY, STATE, & ZIP CODE: San Diego, CA 92101-3827		
BRANCH NAME: Central		
PLAINTIFF(S): Ocie Henderson Administrator of the Estate of Ramel Henderson		
DEFENDANT(S): City of San Diego et.al.		
SHORT TITLE: OCIE HENDERSON ADMINISTRATOR OF THE ESTATE OF RAMEL HENDERSON VS. CITY OF SAN DIEGO		
<b>STIPULATION TO ALTERNATIVE DISPUTE RESOLUTION PROCESS (CRC 3.221)</b>		CASE NUMBER: 37-2008-00086047-CU-PO-CTL

Judge: Yuri Hofmann

Department: C-60

The parties and their attorneys stipulate that the matter is at issue and the claims in this action shall be submitted to the following alternative dispute resolution process. Selection of any of these options will not delay any case management time-lines.

- |   |   |
|---|---|
| <input type="checkbox"/> Court-Referred Mediation Program                   | <input type="checkbox"/> Court-Ordered Nonbinding Arbitration           |
| <input type="checkbox"/> Private Neutral Evaluation                         | <input type="checkbox"/> Court-Ordered Binding Arbitration (Stipulated) |
| <input type="checkbox"/> Private Mini-Trial                                 | <input type="checkbox"/> Private Reference to General Referee           |
| <input type="checkbox"/> Private Summary Jury Trial                         | <input type="checkbox"/> Private Reference to Judge                     |
| <input type="checkbox"/> Private Settlement Conference with Private Neutral | <input type="checkbox"/> Private Binding Arbitration                    |
| <input type="checkbox"/> Other (specify): _____                             |   |

It is also stipulated that the following shall serve as arbitrator, mediator or other neutral: (Name) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Alternate: (mediation & arbitration only) \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Name of Plaintiff

Name of Defendant

Signature

Signature

Name of Plaintiff's Attorney

Name of Defendant's Attorney

Signature

Signature

(Attach another sheet if additional names are necessary). It is the duty of the parties to notify the court of any settlement pursuant to California Rules of Court, 3.1385. Upon notification of the settlement the court will place this matter on a 45-day dismissal calendar.

No new parties may be added without leave of court and all un-served, non-appearing or actions by names parties are dismissed.

**IT IS SO ORDERED.**

Dated: 06/18/2008

JUDGE OF THE SUPERIOR COURT

Page 1 Filed 08/14/

1 WILLOUGHBY & ASSOCIATES  
2 W. ANTHONY WILLOUGHBY, ESQ. SBN# 137503  
3 RONNIVASHTI WHITEHEAD, ESQ. SBN# 243321  
4 200 Corporate Pointe, Suite 495  
Culver City, California 90230  
Tel: (310) 642-0600  
Fax: (310) 642-4710

5 Attorneys for Plaintiff,  
ESTATE OF RAMEL HENDERSON

SUPERIOR COURT FOR THE STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO, CENTRAL JUDICIAL DISTRICT

OCIE HENDERSON, the Administrator of  
the Estate of RAMEL HENDERSON.

Case No.: 37-2008-00086047-CU-PO-CTL

**COMPLAINT FOR:**

2 Plaintiff,  
3 vs.  
4  
5 CITY OF SAN DIEGO; POLICE CHIEF  
6 WILLIAM LANSDOWN; POLICE  
7 OFFICER M. CZAS, and DOES 1 through  
8 50, inclusive, all individually and in their  
9 official capacities, as agents or employees, of  
the CITY OF SAN DIEGO.

## Defendants

1. EXCESSIVE USE OF FORCE  
(42 U.S.C. §1983)
  2. FAILURE TO INSTRUCT,  
TRAIN, SUPERVISE, ETC (42  
U.S.C. §1983)
  3. WRONGFUL DEATH
  4. SURVIVAL ACTION
  5. NEGLIGENCE

PLAINTIFF DEMANDS TRIAL BY JURY

COMES NOW Plaintiff, OCIE HENDERSON, in his capacity as Administrator of the Estate of RAMEL HENDERSON, by and through its attorneys of records, Willoughby & Associates and for its causes of action state as follows:

COMPLAINT

INTRODUCTORY STATEMENT

1. This is a civil action seeking money damages against Defendant POLICE OFFICER M.  
2. CZAS (hereinafter referred to as "Defendant CZAS") and other unknown police officers of  
3. the San Diego Police Department, (DOES 1 through 50), who used excessive force,  
4. assaulted, battered, and killed RAMEL HENDERSON (hereinafter "DECEDENT" or  
5. "decedent RAMEL HENDERSON), against POLICE CHIEF WILLIAM LANSDOWN  
6. (hereinafter "LANSDOWN") as the supervisory officer responsible for the conduct of the  
7. defendants and for his failure to take corrective action with respect to police personnel whose  
8. vicious propensities were notorious, to assure proper training and supervision of the  
9. personnel, or implement meaningful procedures to discourage lawless official conduct, and  
10. against, Defendant CITY OF SAN DIEGO (hereinafter referred to as "CITY") as the  
11. employer of the police personnel which is sued as a person under 42 U.S.C. § 1983. Said  
12. officers committed acts, under color of law, which deprived decedent, Ramel Henderson and  
13. his heirs, representatives and survivors, of rights secured under the Constitution and laws of  
14. the United States. Defendant CITY is liable for Plaintiff's damages because it failed to  
15. train, instruct, supervise, control, and discipline its respective employees, and each of them,  
16. on a continuing basis, and said failure was a result of official policy, or the custom, practice,  
17. and usage of said CITY and that the policymakers of said CITY were deliberately indifferent  
18. to the rights of the inhabitants of said CITY, and that said conduct caused the deprivation of  
19. Plaintiff's rights secured under the United States Constitution, the laws of the United States,  
20. and the laws of the State of California.
- 22
23. 2. This action is brought pursuant to 42 U.S.C. §1983, and §1988, and the Fourth, Thirteenth  
24. and Fourteenth Amendments to the United States Constitution. The Court has jurisdiction  
25. of this action under 42 U.S.C. §1983.
- 26 //
- 27 //
- 28

1       3. Plaintiff brings this actions for such heirs, representatives, survivors at law of decedent  
2       RAMEL HENDERSON to vindicate the violation of decedent's civil rights and to redress  
3       the deprivation of their own civil rights under U.S.C. §1983, and to assert their claim for  
4       wrongful death purusant to Code of Civil Procedure §377, and all claims of Ramel  
5       Henderson that survive his death, Probate Code §573.

6

7       4. On November 20, 2007, Plaintiff OCIE HENDERSON, on behalf of the Estate of RAMEL  
8       HENDERSON filed a claim with the CITY OF SAN DIEGO (hereinafter the "CITY") in  
9       order to comply with the applicable claim filing requirements. The CITY rejected said claim  
10      on January 9, 2008.

11

#### PARTIES

12      5. OCIE HENDERSON in his capacity as administrator of the estate of RAMEL  
13      HENDERSON is a citizen and resident of Los Angeles County, City of Monrovia, State of  
14      California.

15

16      6. Decedent, RAMEL HENDERSON was a resident of the city of San Diego, San Diego  
17      County, State of California, at the time of his death.

18

19      7. For the purposes of this action, OCIE HENDERSON has been appointed the administrator  
20      of the estate of RAMEL HENDERSON. The sole heirs of RAMEL HENDERSON are his  
21      children, son DONTE HENDERSON, a minor and daughter JENNELL HENDERSON.

22

23      8. At all times mentioned until his death on May 30, 2007, Ramel Henderson was in good  
24      physical condition, and was the faithful and dutiful father to DONTE HENDERSON and  
25      JENNELL HENDERSON.

26      ///

27      ///

28

- 1 9. Defendant LANSDOWN was at all times relevant to the incidents which are the subject of  
2 this lawsuit, the Chief of the San Diego Police Department. As such, he is the responsible  
3 party for supervising the training, instruction, discipline, control and conduct of Defendant  
4 Police Officers. He is also charged with promulgating all orders, rules, instructions and  
5 regulations of the San Diego Police Department including but not limited to those orders  
6 rules, instructions and regulations concerning the use of force. He is sued both individually  
7 and in his official capacity. Upon information and belief, Defendant LANSDOWN is a  
8 resident of San Diego County, State of California.
- 9
- 10 10. Defendant CITY OF SAN DIEGO is organized and existing under the laws of the State of  
11 California. In this cause the CITY OF SAN DIEGO (hereinafter "CITY") acted through its  
12 agents, employees, and servants, who was or were the policymakers for the CITY'S Police  
13 Department, and through Defendants OFFICER M. CZAS and DOES 1 through 50.
- 14
- 15 11. At all times referred to herein, Defendants OFFICER M. CZAS and DOES 1 through 50  
16 acted under color of the laws, statutes, ordinances, regulations, policies customs and usages  
17 of the State of California, the CITY OF SAN DIEGO, and the CITY OF SAN DIEGO'  
18 Police Department and pursuant to their authority as police officers of said Department and  
19 CITY.
- 20
- 21 12. Plaintiff sues Defendants OFFICER M. CZAS and DOES 1 through 50 each in their  
22 individual and official capacities.
- 23
- 24 13. DOES 1 through 50, are sued herein under fictitious names. Their true names are unknown  
25 to Plaintiff. When their true names are ascertained, Plaintiff will amend this complaint by  
26 inserting their true names herein.
- 27 ///
- 28

1      14. At all times relevant to the complaint OFFICER M. CZAS and DOES 1 through 50, were  
2      employees of Defendant CITY OF SAN DIEGO. OFFICER M. CZAS and DOES 1 through  
3      50, in doing the acts hereindescribed and referred to, were acting in such capacity as an  
4      agent, servant and employee of the CITY OF SAN DIEGO and its Police Department, and  
5      were acting under the direction and control of the CITY OF SAN DIEGO and its Police  
6      Department, and were acting pursuant to either official policy, or the custom, practice, and  
7      usage of the CITY OF SAN DIEGO and its Police Department.

8

9      15. Plaintiff are informed and believe, and thereon allege that each of the fictitiously named  
10     Defendants are responsible in some manner for the occurrences herein alleged, and that  
11     Plaintiff damages herein alleged were proximately caused by those Defendants.

12

13                    **FACTS COMMON TO ALL COUNTS**

14      16. Plaintiff allege on information and belief, that on May 30, 2005 police officers with the  
15     CITY OF SAN DIEGO Police Department were called to the scene of a domestic dispute at  
16     DECEDENT's home in San Diego.

17

18      17. DECEDENT was a 51 year old African American man at the time of the incident.

19

20      18. The first Police Officers to arrive to the scene were Officer M. Czas and another unknown  
21     officer with the CITY's Police Department, (hereinafter referred to as DOE 1). While in  
22     DECEDENT'S home said Officers allegedly requested that DECEDENT, Ramel Henderson  
23     sit down and DECEDENT, Ramel Henderson allegedly refused and began to approached the  
24     officers.

25     //

26     ///

27     //i

28

- 1 19. Upon information and belief when the DECEDENT allegedly failed to comply with the  
2 officers' orders to sit down CITY'S Police Officers violently attacked DECEDENT, and  
3 punched, slapped and hit DECEDENT causing physical injure to his body.

4

5 20. Upon information and belief CITY'S Police Officers then grabbed DECEDENT Ramel  
6 Henderson and slammed him up against the wall.

7

8 21. Upon information and belief CITY'S Police then forced DECEDENT onto the couch face  
9 down and handcuffed him.

10

11 22. CITY'S Police Officers DOES 2 through 25 arrived and maximal restraints were placed on  
12 DECEDENT.

13

14 23. While DECEDENT, Ramel Henderson was handcuffed CITY'S Police Officers pulled  
15 DECEDENT off the couch and slammed him face down onto the floor in a prone position  
16 and shackled his waist and ankles behind his back, while severely beating him.

17

18 24. CITY'S Police Officers connected the leg shackles to the handcuffs, thereby binding his  
19 hands and legs together, this four-point restraint or hogtie completely immobilized  
20 DECEDENT.

21

22 25. DECEDENT'S air supply was cut off, and he became alarmed and stopped breathing and  
23 while he was shackled the DECEDENT lost consciousness.

24

25 26. Upon information and belief after DECEDENT was kicked, punched, and severely beaten,  
26 the CITY'S Police Officers put their feet into his back and re-shackled and tightened the  
27 restraints around DECEDENT's ankles, waist and back



1       32. On information and belief Defendants, LANSDOWN and CITY authorized, tolerated as  
2       institutionalized practices, and ratified the misconduct hereinbefore detailed by:

3  
4       (a) Failing to discipline, restrict, and control employees, including Defendant CZAS and  
5       Defendants DOES 1 through 50, known to be irresponsible in their dealings with  
6       citizens of the community;

7  
8       (b) Failing to take adequate precautions in the hiring, promotion, and retention of police  
9       personnel, including specially Defendant CZAS and Defendants DOES 1 through 50;

10  
11      (c) Failing to forward to the office of the District Attorney of San Diego County  
12      evidence of criminal acts committed by police personnel;

13  
14      (d) Failing to establish and/or assure the functioning of a bona fide and meaningful  
15      departmental system for dealing with complaints of police misconduct, but instead  
16      responding to such complaints with bureaucratic power and official denials  
17      calculated to mislead the public. This conduct also constitutes gross negligence  
18      under state law.

19  
20     33. As a proximate result of these acts, Defendant CZAS and Defendants DOES 1 through 50  
21     caused DECEDENT to be beaten, sustain blunt force injuries, while in a prone position and  
22     while shackled, thereby causing his death.

23     ///

24     ///

25     ///

26

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1       34. As a direct, legal and proximate result of said conduct of Defendants, and each of them, as  
2 previously alleged, Plaintiff sustained the following damages:

- 3
- 4       a) General damages for the loss of love, companionship, comfort, affection, society,  
5                     solace, and moral support;
- 6
- 7       b) Loss of financial support in an amount not yet fully ascertained;
- 8
- 9       c) Medical expenses for medical and hospital care and treatment of Ramel Henderson,  
10                     deceased before his death;
- 11
- 12       d) Funeral and burial expenses for Ramel Henderson, deceased, in an amount not yet  
13                     fully ascertained; and
- 14
- 15       e) Injuries to their body and mind.

16

17       35. As a further proximate result of the acts of the Defendant CZAS and Defendants DOES 1  
18                     through 50, Plaintiff was compelled to secure the services of an attorney at law, and by  
19                     virtue thereof, Defendants are liable for attorneys' fees pursuant to 42 U.S.C. §1988.

20       ///

21       ///

22       ///

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**FIRST CAUSE OF ACTION**  
**EXCESSIVE USE OF FORCE**

(Against All Defendants Cognizable Under 42 U.S.C. §1983)

For their cause of action against the aforestated Defendants in the First Cause of Action.

Plaintiff state:

36. By this reference, Plaintiff incorporates each and every allegation and averment set forth in  
7 paragraphs 1 through 35 of this Complaint as though fully set forth herein.  
8

9

10 37. As a direct and proximate result of the afore described unlawful and malicious physical abuse  
11 of DECEDENT by Defendant CZAS and Defendants DOES 1 through 50, committed under  
12 color of law and under each individual's authority as a Police Officer with the CITY OF  
13 SAN DIEGO'S Police Department, Ramel Henderson suffered grievous bodily harm and was  
14 deprived of his right to be secure in his person, against unreasonable seizure of his person  
15 and the use of excessive force, in violation of the Fourth and Fourteenth Amendments of the  
16 Constitution of the United States and 42 U.S.C. §1983.

17

18 38. The CITY is alleged to have knowingly, or with gross negligence, or with deliberate  
19 indifference to the constitutional rights of persons within the jurisdiction of San Diego  
20 County, maintained or permitted an official policy and/or custom of permitting citizens to  
21 be hogtied and beaten by employees of the SAN DIEGO Police Department and based on the  
22 principles set forth in *Monell v. New York City Department of Social Services*, 436 U.S.  
23 658 (1978), and *Heller v. Hunley*, 759 F.2d 1371 (9<sup>th</sup> Circ. 1985), is liable for all injuries  
24 sustained by Plaintiff as set forth herein.

25

26 39. As a direct and proximate result of the malicious and outrageous conduct of Defendant  
27 CZAS and Defendants DOES 1 through 50 as aforescribed, DECEDENT was caused to  
28 die after being beaten, thrashed and hogtied by said Defendants.

- 1       40. The acts of Defendant CZAS and Defendants DOES 1 through 50 were intentional, wanton,  
2              malicious and oppressive, thus entitling Plaintiff to an award of punitive damages against  
3              said Defendants in their individual capacities.
- 4
- 5       41. By reason of the aforementioned acts and omissions of Defendant CZAS and Defendants  
6              DOES 1 through 50, Plaintiff have been and will forever be deprived of the love, affection,  
7              society, companionship, support and pecuniary benefits of DECEDENT, and of their familial  
8              relationship with him, all to Plaintiff's damage in a sum to be proved at trial.
- 9
- 10      42. By reason of the aforementioned acts and omissions of Defendant CZAS and Defendants  
11              DOES 1 through 50, Plaintiff were required to and did incur funeral, burial, and incidental  
12              expenses in an amount as proved.
- 13
- 14      43. By reason of the aforescribed acts and omissions of Defendant CZAS and Defendants  
15              DOES 1 through 50, DECEDENT suffered severe pain and was deprived of his life and the  
16              enjoyment and pleasure of living.
- 17
- 18      44. The aforescribed acts and omissions of defendants were done maliciously, knowingly and  
19              willfully and in callous and reckless disregard of DECEDENT's and plaintiff's constitutional  
20              rights, and by reason thereof, Plaintiff claim exemplary and punitive damages in an amount  
21              as proved.
- 22
- 23      45. By reason of the aforescribed acts and omissions of Defendant CZAS and Defendants  
24              DOES 1 through 50, Plaintiff were required to retain an attorney to institute and prosecute  
25              the within action, and to render legal assistance to Plaintiff that they might vindicate the loss  
26              and impairment of their and DECEDENT's rights, and by reason thereof, Plaintiff request  
27              payment by defendants of a reasonable sum for attorney's fees pursuant to 42 U.S.C. § 1983.
- 28

1 46. The conduct of Defendant CZAS and Defendants DOES 1 through 50, acting individually  
2 and together in concert, resulted in Plaintiff being maliciously and unlawfully subjected to  
3 the use of excessive force, and Plaintiff was thereby deprived of his rights as secured by the  
4 Fourth and Fourteenth Amendments of the Constitution of the United States and 42 U.S.C.  
5 §1983.

7 47. If Plaintiff prevails, they are entitled to an award of attorneys' fees and costs pursuant to 42  
8 U.S.C. §1988.

**SECOND CAUSE OF ACTION**  
**FAILURE TO INSTRUCT, SUPERVISE, CONTROL, AND DISCIPLINE**

**(Against Defendants, LANSDOWN and CITY OF SAN DIEGO,  
Cognizable Under 42 U.S.C. §1983)**

13 For their cause of action against the aforestated Defendants in the Second Cause of Action,

14 || Plaintiff state:

16 48. By this reference, Plaintiff incorporates each and every allegation and averment set forth in  
17 paragraphs 1 through 47 of this Complaint as though fully set forth herein.

19 49. At all times relevant to this Complaint, Defendants DOES 1 through 50, as Police Officers  
20 of the CITY OF SANDIEGO Police Department, were acting under the direction and control  
21 of the CITY OF SAN DIEGO which acted through its agents and employees who were  
22 responsible for making policy of the Police Department, its officers and operations, and were  
23 acting pursuant to either official policy or the practice, custom, and usage of the CITY and  
24 its Police Department.

25 //

26 | //

27 | //

1       50. Acting under color of law, by and through its policy-makers and pursuant to official policy  
2       or custom and practice, the CITY OF SAN DIEGO intentionally, knowingly, recklessly, or  
3       with deliberate indifference to the rights of the the Citizens of San Diego and specifically  
4       DECEDENT, Ramel Henderson failed to instruct, supervise, control, and/or discipline, on  
5       a continuing basis, their respective employees, in the performance of their duties to refrain  
6       from:

7

- 8           a. unlawfully and maliciously using unreasonable and excessive force before, during,  
9           or after the making of an arrest and or detention, whether the detention and/or arrest  
10          was lawful or unlawful;
- 11
- 12          b. fabricating criminal charges and ordinance violations against a citizen for the purpose  
13          of shielding themselves from criminal or civil liability for violating that citizen's civil  
14          rights;
- 15
- 16          c. falsifying police reports and other statements, including court testimony;
- 17
- 18          e. conspiring to violate the rights, privileges, and immunities guaranteed to Plaintiff by  
19          the Constitution and laws of the United States and the laws of the State of California;  
20          and,
- 21
- 22          f. otherwise depriving citizens of their constitutional or statutory rights, privileges, and  
23          immunities.

24       ///

25       ///

26       ///

27

28

- 1       51. Each of the above Defendants had knowledge of or, had it diligently exercised its duties to  
2       instruct, supervise, control, and discipline on a continuing basis, should have had knowledge  
3       that the wrongs that were done, as heretofore alleged, or other unlawful or constitutional acts  
4       were going to be committed. Moreover, these Defendants had power to prevent or aid in  
5       preventing the commission of said wrongs, could have done so, and intentionally, knowingly,  
6       or with deliberate indifference to the rights of their respective inhabitants failed or refused  
7       to do so.
- 8
- 9       52. These Defendants, directly or indirectly, under color of law, approved or ratified the  
10      unlawful, deliberate, malicious, reckless, and wanton conduct of their respective employees
- 11
- 12      53. By reason of the aforementioned acts and omissions of defendants, Plaintiff have been and  
13      will forever be deprived of the love, affections, society, companionship, support and  
14      pecuniary benefits of DECEDENT, and of their familial relationship with him, all to  
15      plaintiff's damage in a sum to be proved at trial.
- 16
- 17      54. By reason of the aforementioned acts and omissions of defendants, Plaintiff were required  
18      to and did incur funeral, burial, and incidental expenses in an amount as proved.
- 19
- 20      55. By reason of the aforescribed acts and omissions of defendants, DECEDENT suffered  
21      severe pain and was deprived of his life and the enjoyment and pleasure of living.
- 22
- 23      56. The aforescribed acts and omissions of defendants were done maliciously, knowingly and  
24      willfully and in callous and reckless disregard of DECEDENT's and Plaintiff's constitutional  
25      rights, and by reason thereof, Plaintiff claim exemplary and punitive damages in an amount  
26      as proved.
- 27
- 28

- 1 57. By reason of the aforescribed acts and omissions of defendants, Plaintiff were required to  
2 retain an attorney to institute and prosecute the within action, and to render legal assistance  
3 to Plaintiff that they might vindicate the loss and impairment of their and DECEDENT's  
4 rights, and by reason thereof, Plaintiff request payment by defendants of a reasonable sum  
5 for attorney's fees pursuant to 42 U.S.C. Section 1983.
- 6
- 7 58. The conduct of Defendant CZAS and Defendants DOES 1 through 50, acting individually  
8 and together in concert, resulted in Ramel Henderson being maliciously and unlawfully  
9 subjected to the use of deadly force, and DECEDENT and Plaintiff were thereby deprived  
10 of their rights as secured by the Fourth and Fourteenth Amendments of the Constitution of  
11 the United States and 42 U.S.C. §1983.
- 12
- 13 59. If Plaintiff prevail, they are entitled to an award of attorneys' fees and costs pursuant to 42  
14 U.S.C. §1988.

15

16 **THIRD CAUSE OF ACTION**  
**WRONGFUL DEATH**  
**(Against All Defendants)**

17

18 For their cause of action against the aforestated Defendants in the Third Cause of Action,  
19 Plaintiff state:

20

21 60. By this reference, Plaintiff incorporate each and every allegation and averment set forth in  
22 paragraphs 1 through 59 of this Complaint as though fully set forth herein.

23     ///

24     ///

25     ///

26

27

28

- 1       61. The actions of Defendant CZAS and Defendants DOES 1 through 50 in causing the death  
2       of Ramel Henderson were wrongful, in that said Defendants used excessive and/or deadly  
3       force against Mr. Henderson at a time when he did not present any threat of death or great  
4       bodily injury to the police officers or the public. Based on the above, the use of deadly force  
5       against him was unjustified and unreasonable under the circumstances.
- 6
- 7       62. As a proximate result of these acts, Defendant CZAS and Defendants DOES 1 through 50,  
8       caused Ramel Henderson to be fatally injured, and thereby resulting in his death while in  
9       custody.
- 10
- 11      63. By reason of the aforementioned acts and omissions of defendants, Plaintiff have been and  
12       will forever be deprived of the love, affections, society, companionship, support and  
13       pecuniary benefits of DECEDENT, and of their familial relationship with him, all to  
14       plaintiff's damage in a sum to be proved at trial.
- 15
- 16      64. By reason of the aforementioned acts and omissions of defendants, Plaintiff were required  
17       to and did incur funeral, burial, incidental expenses in an amount as proved.
- 18
- 19      65. By reason of the aforedescribed acts and omissions of defendants, DECEDENT suffered  
20       severe pain and was deprived of his life and the enjoyment and pleasure of living.
- 21
- 22      66. The aforedescribed acts and omissions of defendants were done maliciously, knowingly and  
23       willfully and in callous and reckless disregard of DECEDENT's and Plaintiff's constitutional  
24       rights, and by reason thereof, Plaintiff claim exemplary and punitive damages in an amount  
25       as proved.
- 26      ///
- 27      //i
- 28

FOURTH CAUSE OF ACTION  
SURVIVAL ACTION  
(Against All Defendants )

For their cause of action against the aforestated Defendants in the Fourth Cause of Action,

Plaintiff state:

67. By this reference, Plaintiff incorporate each and every allegation and averment set forth in paragraphs 1 through 66 of this Complaint as though fully set forth herein.
  68. As a proximate result of these acts, Defendants DOES 1 through 50, caused Ramel Henderson to be fatally injured, thereby resulting in his death while in custody.
  69. By reason of the aforementioned acts and omissions of defendants, Plaintiff were required to and did incur funeral, burial, and incidental expenses in an amount as proved.
  70. By reason of the aforedescribed acts and omissions of defendants, DECEDENT suffered severe pain and was deprived of his life and the enjoyment and pleasure of living.
  71. The aforedescribed acts and omissions of defendants were done maliciously, knowingly and willfully and in callous and reckless disregard of DECEDENT's and Plaintiff's constitutional rights, and by reason thereof, Plaintiff's claim exemplary and punitive damages in an amount as proved.
  72. Defendant(s), and each of them, acted with evil motive and intent, and in callous, reckless, and wanton disregard for the rights of Plaintiff justifying the award of punitive damages.

111

11

**FIFTH CAUSE OF ACTION**  
**NEGLIGENCE**

(Against Defendants POLICE OFFICER M. CZAS and DOES 1 through 50)

For their cause of action against the aforestated Defendants in the Fifth Cause of Action,

Plaintiff state:

73. Plaintiff hereby incorporates by reference Paragraphs 1 through 72, as if set forth in full herein.

74. Plaintiff is informed and believes, and thereupon alleges, that Defendants, and each of them, were under a duty to exercise reasonable care in restraining DECEDENT.

75. Plaintiff is informed and believes, and thereupon alleges, that Defendants, and each of them, failed to perform said duties.

76. Defendants, and each of them, negligently, carelessly and recklessly used excessive force to restrain DECEDENT resulting in his death.

77. As a direct and proximate result of the conduct of Defendants, and each of them, DECEDENT was fatally injured. Plaintiff sustained the following damages:

- a) General damages for the loss of love, companionship, comfort, affection, society, solace, and moral support;
  - b) Loss of financial support in an amount not yet fully ascertained;
  - c) Medical expenses for medical and hospital care and treatment of Ramel Henderson, deceased before his death;
  - d) Funeral and burial expenses for Ramel Henderson, deceased, in an amount not yet fully ascertained.
  - e) Injuries to their body and mind; and

1       78. Solely and proximately as a result of the conduct of Defendants, and each of them, Plaintiff  
2       has incurred indebtedness, Plaintiff will prove the amount of such damages at the time of  
3       trial.

NEGLIGENCE

For their cause of action against the aforestated Defendants in the Fifth Cause of Action.

Plaintiff state:

79. Plaintiff hereby incorporates by reference Paragraphs 1-78, as if set forth in full herein.

80. Plaintiff is informed and believes, and thereupon alleges, that Defendants, and each of them, were under a duty to exercise reasonable care in restraining DECEDENT. Furthermore, Defendants, and each of them, were under a duty to properly and adequately supervise train, and/or monitor Defendants CZAS and DOES 1 through 50 on the proper and prudent use of force.

16           ///  
17           ///  
18           ///

1 81. Plaintiff is informed and believes, and thereupon alleges, that Defendants, and each of them,  
2 failed to perform said duties. Moreover, the Defendants tolerated as institutionalized  
3 practices, and ratified the misconduct by:

4

5 (a) Failing to discipline, restrict, and control employees, including Defendant CZAS and  
6 Defendants DOES 1 through 50, known to be irresponsible in their dealings with  
7 citizens of the community;

3

1.1

(c) Failing to forward to the office of the District Attorney of San Diego County evidence of criminal acts committed by police personnel;

14

15 (d) Failing to establish and/or assure the functioning of a bona fide and meaningful  
16 departmental system for dealing with complaints of police misconduct, but instead  
17 responding to such complaints with bureaucratic power and official denials  
18 calculated to mislead the public. This conduct also constitutes gross negligence  
19 under state law.

20

21 82. As a direct and proximate result of the conduct of Defendants, and each of them, Plaintiff  
22 was injured in her health, strength and activities, sustaining injury to her body, and shock and  
23 injury to her nervous system, all of which injuries have caused and continue to cause Plaintiff  
24 great physical, mental and nervous pain and suffering. Plaintiff is informed and believes, and  
25 thereupon alleges, that said injuries will result in some permanent disability to her, in an  
26 amount which Plaintiff will prove at the time of trial hereof

27

28

- 1       83. Solely and proximately as a result of the conduct of Defendants, and each of them, Plaintiff  
2       has incurred indebtedness for physicians, in the treatment of the said injuries in an amount  
3       which Plaintiff is unable at this time to ascertain, and she will become obligated in the  
4       further treatment of the said injuries for an indefinite period of time in the future. Plaintiff  
5       will prove the amount of such damages at the time of trial.
- 6
- 7       84. As a result of the aforementioned injuries, Plaintiff suffered general damages in an amount  
8       within the jurisdiction of this Court.

9

10      **PRAYER FOR RELIEF**

11      WHEREFORE, Plaintiff pray judgment against defendants, and each of them as follows:

- 12      1. General damages according to proof;  
13      2. Special damages according to proof;  
14      3. Punitive damages in an amount appropriate to punish Defendants and  
15       deter others from engaging in similar misconduct;  
16      4. Attorney's fees;  
17      5. Loss of earnings, past and future;  
18      6. For interest as allowed by law;  
19      7. Cost of suit incurred herein; and  
20      8. For such other and further relief as the Court may deem proper;

21

22      DATED: June 9, 2008

Respectfully submitted,

23

24      WILLOUGHBY & ASSOCIATES

25

26      By:

27      Ronnivashti Whitehead, Esq.  
28      Attorneys for Plaintiff,  
         ESTATE OF RAMEL HENDERSON

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demand a trial by jury.

DATED: June 9, 2008

Respectfully submitted,

**WILLOUGHBY & ASSOCIATES**

By: Ronnivashri Whitehead, Esq.  
Attorneys for Plaintiff,  
ESTATE OF RAMEL HENDERSON

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

<b>I. (a) PLAINTIFFS</b> OCIE HENDERSON, ADMINISTRATOR, ESTATE OF RAMEL HENDERSON		<b>DEFENDANTS</b> CITY OF SAN DIEGO, POLICE CHIEF WILLIAM LANSDOWN; POLICE OFFICER M. CZASZ <i>RELEASING</i>
(b) County of Residence of First Listed Plaintiff San Diego (EXCEPT IN U.S. PLAINTIFF CASES)		County of Residence <i>San Diego</i> (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED <i>SOUTHERN DISTRICT OF CALIFORNIA</i> Attorneys (If Known) Andrew Jones, Deputy City Attorney Office of the City Attorney <i>AMT DEPUTY</i> 1200 Third Avenue, Suite 1100 San Diego, CA 92101 (619) 533-5800
(c) Attorney's (Firm Name, Address, and Telephone Number) Ronnivashti Whitehead Willoughby & Associates 200 Corporate Pointe Ste 495 Culver City, CA 90230 Tel: (310) 642-0600		

<b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only)		<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (Place an "X" in One Box for Plaintiff and One Box for Defendant)			
<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)	Citizen of This State <input checked="" type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	PTF <input checked="" type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	DEF <input checked="" type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	PTF <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6
<input type="checkbox"/> 2 U.S. Government Defendant	<input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	Citizen of Another State <input type="checkbox"/> 2	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 5 <input type="checkbox"/> 6	PTF <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6
		Citizen or Subject of a Foreign Country <input type="checkbox"/> 3	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 5 <input type="checkbox"/> 6	

<b>IV. NATURE OF SUIT</b> (Place an "X" in One Box Only)					
<b>CONTRACT</b>	<b>TORTS</b>	<b>FORFEITURE/PENALTY</b>	<b>BANKRUPTCY</b>	<b>OTHER STATUTES</b>	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury— Med. Malpractice <input type="checkbox"/> 365 Personal Injury— Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<b>PROPERTY RIGHTS</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/ Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	<b>LABOR</b>	<b>SOCIAL SECURITY</b>	
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
			<b>FEDERAL TAX SUITS</b>	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

<b>V. ORIGIN</b> (Place an "X" in One Box Only)					
<input type="checkbox"/> 1 Original Proceeding	<input checked="" type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	Transferred from <input type="checkbox"/> 5 another district (specify) _____	<input type="checkbox"/> 6 Multidistrict Litigation
			<input type="checkbox"/> 7 Judge from Magistrate Judgment		

<b>VI. CAUSE OF ACTION</b>		Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): <b>42 U.S.C. section 1983</b>				
		Brief description of cause: Plaintiff alleges civil rights violations of decedent				

<b>VII. REQUESTED IN COMPLAINT:</b>		<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMAND \$1.00	CHECK YES only if demanded in complaint: <b>JURY DEMAND:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<b>VIII. RELATED CASE(S) IF ANY</b>		(See instructions): <i>JUDGE</i>	DOCKET NUMBER _____			

DATE August 14, 2008	SIGNATURE OF ATTORNEY OF RECORD <i>Andrew Jones</i>				
FOR OFFICE USE ONLY					
RECEIPT # <i>151002</i>	AMOUNT <i>\$350.00</i>	APPLYING IFFP	JUDGE	MAG. JUDGE	
CR <i>AB 08/14/08</i>					

**UNITED STATES  
DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
SAN DIEGO DIVISION**

**# 154062 - MB**

**August 14, 2008  
16:14:12**

**Civ Fil Non-Pris**  
USAO #: 08CV1491 CIVIL FILING  
Judge.: JANIS L. SAMMARTINO  
Amount: \$350.00 CK  
Check#: BC42333

**Total-> \$350.00**

FROM: OCIE HENDERSON, ADMINISTRATOR,  
ESTATE OF RAMEL HENDERSON VS  
CITY OF SAN DIEGO, ET AL